NOV 1 3 2006 MAILING OR FACSIMILE CERTIFICATION

JAC JAW

adequate first class postage attached and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on November 4, 2006.

Date: Nov. 4, 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Russel Dennis DATE: 11/4/2006

SERIAL NUMBER.: 10/763,630 ART GROUP: 3679

FILING DATE: 1/24/04 EXAMINER: M.P. Ferguson

TITLE: TENSIONING DEVICE FOR POLYMER FENCING

PETITION TO REVIVE AN ABANDONED APPLICATION
UNDER PATENT RULE 37 CFR 1.137(a)
OR
ALTERNATIVELY, A PETITION TO REVIVE AN ABANDONED APPLICATION
UNDER PATENT RULE 37 CFR 1.137(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant petitions and requests that the above identified application be revived and the attached amendment be entered.

The above application was rejected by the Examiner on April 4, 2006 and was abandoned by non-response on July 5, 2006. No extensions of time for response to said response deadline were made to the USPTO.

11/14/2006 SLUANG1 00000028 121120 10763630 01 FC:2452 250.00 DA Applicant's Attorney received a telephone call from the Examiner, Michael P. Ferguson, inquiring if any response had been filed in the recent past. He was told that Applicant's Attorney did not think that any had been filed but would have to check.

Applicant's Attorney spent considerable time thereafter searching, first the file of the patent application in question, and thereafter the files of other patent applications and patents.

The search finally resulted in a copy the Office Office Action being located in another file folder.

Applicant's Attorney discovered that no entries had been made on any file folder indicating that it contained an Official Office Action that had been received and needed to be responded to.

Normally, when mail is received from the USPTO, the correspondence is logged into the master docket and the correspondence is associated with the proper file folder and the correspondence is noted on the file folder with a due date for the response.

Applicant's Attorney entered the hospital in Beaufort, South Carolina on March 28, 2006 for hip replacement surgery. During the ensuing rehabilitation and recovery Applicant's Attorney developed a major infection in the hip. This infection precipitated two additional hip surgeries and a lengthy hospitalization to treat the infection.

During this period of recovery, mail was forwarded to Applicant's Attorney's temporary address on Fripp Island, South Carolina, from Applicant's Attorney's Lexington, KY address.

Upon arrival of the mail from Lexington, Ky, the mail was processed by my wife in an effort to be of assistance, and the Official Office Action was misplaced in the wrong file folder.

Due to the infections, surgeries and the extended recoveries and rehabilitations, Applicant's Attorney was unaware that an Office Action had arrived and the period for response was running. Checking the file folder of the above identified patent application would not have revealed the

presence of the Office Action.

Accordingly, Applicant's Attorney requests that this petition be considered and granted as a

Petition under Patent Rule 37 CFR § 1.137(a).

Should the petition be denied under Patent Rule 37 CFR 1.137(a) for any reason, I request the

petition be alternatively considered and granted under Patent Rule 37 CFR § 1.137(b).

An authorization to charge the deposit account 12-1120 is attached authorizing the deduction of

\$250.00 for the cost of the petition fee under 37 CFR § 1.17(1).

In the event that this petiion is denied and the petition considered under 37 CFR § 1.137 (a) and

this petition is considered under 37 CFR § 1.137 (b), the request that any shortage of fees be

considered to be the required fee for the petition under 37 CFR 1.17 (m) is to be authorized at

that time.

Respectfully Submitted,

Laurence R. Letson

Applicant's Attorney

Reg. No. 25,402

2 Sextant Drive

Salem. SC 29676

Tel.: 859 278-0011

Fax: 864 719-0038



## MAILING OR FACSIMILE CERTIFICATION

The undersigned hereby certifies that this correspondence is being deposited either with the United States Postal Service with adequate first class postage attached and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on November 4, 2006.

Laurence K. Letson Date: Nov. 4, 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Russell Dennis DATE: 11/4/2006

SERIAL NUMBER.: 10/763,630 ART GROUP:3679

FILING DATE: 1/24/04 EXAMINER: M.P. Ferguson

TITLE: TENSIONING DEVICE FOR POLYMER FENCING

## AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Commissioner of Patents is authorized to charge the Deposit Account of Laurence R. Letson, Deposit Account No. 12-1120 in the amount of \$250.00 for the petition fee to revive an unavoidable abandonment of the above identified application under 37 CFR § 1.17(l).

Commissioner is authorized to charge any shortage in the fees and credit any overage in said fees to Deposit Account 12-1120.

If the accompanying petition is not granted under 37 CFR 1.137 (a) as an unavoidable abandonment, then the balance of the fee due for the petition for revival under 37 CFR 1.137(b) should be treated as a shortage in the fee and handled as instructed above.

Respectfully Submitted,

Laurence R. Letson Applicant's Attorney Reg. No. 25,402

2 Sextant Drive

Salem. SC 29676 Tel.: 859 278-0011

Fax: 864 719-0038